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EXAMINER

ALVESTEFFER, STEPHEN D

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2175

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,019	Applicant(s) ROGERS, SUSAN LOUISE	
	Examiner Stephen Alvesteffer	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action is responsive to the Request for Continued Examination (RCE) filed July 24, 2008. Claims 35-68 are amended. Claims 1-34 are cancelled. Claims 69 and 70 are new. Claims 35 and 46 are independent. Claims 35-70 remain pending.

Claim Objections

Claims 41 and 50 are objected to because of the following informalities:

- **In claim 41**, "the subject matter" lacks antecedent basis. This should be corrected to **—a subject matter—**
- **In claim 50**, "the preliminary step i" lacks antecedent basis. There is no "preliminary step i" in claim 50 or any of its parent claims.
- **In claim 60**, "the personal note and the file category **is** retrievable" should be corrected to **—the personal note and the file category **are** retrievable—**

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 46-59 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 46-59 recite a computer readable medium. As a computer readable medium is not explicitly defined in the original

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disclosure, the computer readable medium can be interpreted as being an intangible computer readable medium such as a modulated signal or carrier waves (computer readable communications media), which are not patentable under 35 USC 101.

Examiner suggests amending claims 46-59 to recite a “computer readable **storage** medium”, which is known in the art as not including intangible computer readable communications media.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35-39, 46-50, 55, 58, 59, and 63-70 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lektion et al. (hereinafter Lektion), United States Patent 5,801,698.

Regarding claim 35, Lektion teaches a method of loading preselected information data for display on a computer monitor by running an application program that is stand alone independently of other programs on a computer, the application program being configured to detect the occurrence of a wait event caused by at least one other program being run on the computer, the wait event resulting in the computer indicating that the computer is in a busy state while the computer completes at least one

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processing task commanded from at least one other program being run on the computer (see Lection Abstract), the method comprising:

A. detecting the wait event occurring in at least one other program being run on the computer by sensing the wait event and loading a selected information datafile, the detection of the wait event occurring independently of the at least one other program being run by the computer and not requiring any modification of the at least one other program (see Lection column 2 lines 35-49; *"The status information may be provided by displaying information to a user of a computer system during performance of an application program on the computer system by formatting the busy cursor to provide dynamic information which is unrelated to the application program in the computer system. This information may be displayed to the user during the display of the busy cursor. The dynamic information to be displayed to the user may be obtained from a source other than the application program on the computer system"*);

B. displaying information from the selected information datafile on the computer monitor during the wait event (see Lection column 2 lines 35-49; *"The dynamic information to be displayed to the user may be obtained from a source other than the application program on the computer system"*); and

C. suspending display of information when the wait event has ended (see Lection column 2 lines 35-49; *"...provide dynamic status to a user during the busy cycle of a processing system"*, the dynamic status is only displayed during the busy cycle and is inherently suspended when the busy cycle ends).

Regarding claim 36, Lektion teaches the selection of at least one of the following user preferences comprising: a type of information for display as a window; a priority of display of different types of information; a duration of display of information; a frequency of display information; a number of windows; a position and size of the window; a contrast background of the windows; a transparency level of a background of the windows; and a colour of the windows (see Lektion column 2 lines 50-62; “*a predefined message is selected to be displayed to the user based upon the dynamic information obtained. The busy cursor is then formatted to display the predefined message. Furthermore, the dynamic information may be a plurality types of information*”).

Regarding claim 37, Lektion teaches the selection of a corner anchor point that determines the position of a window for display on a desktop of the computer monitor screen, the selection of a position on the monitor results in a corner of the window closest to the position selected becoming a corner anchor point from which windows appear in a cluster (see Lektion Figures 2 and 3 and column 2 lines 50-62; “*The busy cursor is then formatted to display the predefined message*”, the drawings showing that the predefined message appears anchored to the position of the cursor).

Regarding claim 38, Lektion teaches step D of resuming display of the selected information datafile when a further wait event is detected (see Lektion column 2 lines 35-49; “*...provide dynamic status to a user during the busy cycle of a processing system*”, the dynamic status is only displayed during the busy cycle and is inherently resumed when a new busy cycle is detected).

Regarding claim 39, Lektion teaches step E. of loading a second information datafile for display when the user chooses to load the second information datafile (see Lektion column 3 lines 4-12; *“the information is obtained by establishing, based upon user input, at least one information source other than the application program on the computer system”*).

Claims 46-49 and 55 recite a computer readable medium having substantially the same limitations as the method of claims 35, 36, 38, 39, and 37, respectively. Therefore, the claims are rejected under the same rationale.

Regarding claim 50, Lektion teaches that the preliminary step i includes preselecting at least one information datafile from a library of datafiles, the at least one information datafiles comprising at least one of information, text, and graphics, in a format suitable for display on a computer monitor (see Lektion column 3 lines 13-17; *“the dynamic information is selected from the group consisting of weather information, stock quote information and daily planner information”*).

Regarding claim 58, Lektion teaches that each selected information datafile is displayed randomly (see Lektion column 6 lines 37-53; *“The sources of information could then be cycled through randomly, sequentially or in any pattern the user would desire”*).

Regarding claim 59, Lektion teaches that a window display is adapted as a personal notepad on the computer monitor to allow a user to upload data onto the personal notepad to generate a personal note, and the personal note is stored for later display at at least one of a predetermined future data and time as a reminder, and

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during a wait event (see Lection column 4 line 56 through column 5 line 8; *“Thus, the user may select the type of information which the user would like displayed during busy cycles such as, for example, weather information, stock quote information, time or date information, or reminders which are specified by the user such as birthdays, meeting dates or other daily planner type information”*).

Regarding claim 63, Lection teaches that the preselected information data is obtained and stored ready for display when required, and wherein a user manually runs the application program to display the preselected information data at any desirable time (see Lection column 2 lines 35-49; *“The status information may be provided by displaying information to a user of a computer system during performance of an application program on the computer system by formatting the busy cursor to provide dynamic information which is unrelated to the application program in the computer system”*).

Regarding claim 64, Lection teaches that the application program is not embedded in the at least one other program for which wait events are being detected (see Lection column 5 lines 9-20; *“the information source from which the busy cursor format obtains information could also only be accessed upon activation of the busy cursor or continuously monitored by a background program”*).

Regarding claim 65, Lection teaches that in step A, the wait event is detected by sensing at least one of a trigger sent from another program to the operating system of the computer, a change in a cursor status, and a change in the activity state of an application-specific icon (see Lection column 4 lines 38-55; *“according to the present*

invention, rather than displaying simply the busy icon, the busy cursor is reformatted to provide dynamic information to the user which is unrelated to the application program during the display of the busy cursor”).

Regarding claim 66, Lektion teaches that in step A, the wait event is detected by sensing at least two of a trigger sent from another program to the operating system of the computer, a change in a cursor status, and a change in the activity state of an application-specific icon (see Lektion column 4 lines 38-55; “*according to the present invention, rather than displaying simply the busy icon, the busy cursor is reformatted to provide dynamic information to the user which is unrelated to the application program during the display of the busy cursor*”).

Regarding claim 67, Lektion teaches that in step A, the wait event is detected by sensing a trigger sent from another program to the operating system of the computer, a change in a cursor status, and a change in the activity state of an application-specific icon (see Lektion column 4 lines 38-55; “*according to the present invention, rather than displaying simply the busy icon, the busy cursor is reformatted to provide dynamic information to the user which is unrelated to the application program during the display of the busy cursor*”).

Regarding claim 68, Lektion teaches that the application program is not embedded in the at least one other program for which wait events are being detected (see Lektion column 4 lines 38-55; “*according to the present invention, rather than displaying simply the busy icon, the busy cursor is reformatted to provide dynamic*

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information to the user which is unrelated to the application program during the display of the busy cursor”).

Regarding claim 69, Lektion teaches that the computer indicates that the computer is in a busy state by changing an indicator displayed on said computer monitor (see Lektion column 1 line 61 through column 2 line 20; “*The processor may display an hour glass or other busy indicator such as a clock in place of the normal cursor while it is unavailable*”).

Claim 70 recites a computer readable medium having substantially the same limitations as the method of claim 69. Therefore, claim 70 is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 51, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lektion (5,801,698) *supra* and Su et al. (hereinafter Su), United States Patent Application Publication 2003/0084124.

Regarding claim 40, Lektion teaches every limitation of claim 40 except a means for adjusting the display time in accordance with a user’s reading speed and the amount of information to be displayed. Su teaches a an automatic delivery system and

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method that allows for configuration of the server to control the interval at which information is released to users (see Su paragraph [0026]; *"the control module 44 of the server 40 may maintain additional information such as: a list of client stations or other operating nodes, that have rights to access information from the server; and a timer which provides for time-controlled release of information"*). It would have been obvious to one of ordinary skill in the art at the time the invention was made, having the analogous art of Lektion and Su laid before him, to provide the feature of time-controlled release of information as taught by Su in the busy-cycle information display invention of Lektion so that more information or updated information can be displayed to the user, particularly if the busy cycle is long. Lektion does teach that updated information may be sent to the user, but does not explicitly teach changing the duration of time that elapses before the information is updated (see Lektion column 7 lines 21-36; *"the computer system monitors the information sources specified by the user (block 54). As the information provided by the information sources changes, the predefined cursors may be modified to reflect these changes in information (block 56)"*).

Claim 51 recites a computer readable medium having substantially the same limitations as the method of claim 40. Therefore, claim 51 is rejected under the same rationale.

Regarding claim 62, Lektion/Su teaches that in step i the application program is adapted to allow a user to limit access to the selected information datafiles to only authorised users of such information datafiles (see Su paragraph [0027]; *"Reasons for denying the request for information may be that the client station does not have*

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authorization to access the content stored in server 40 or the time limit for receiving new information (i.e. content) may not have yet expired. Additional parameters for controlling when and to whom information is transferred will be appreciated by those of ordinary skill in the art and are therefore within the spirit and scope of the present invention”; see also Lektion column 6 lines 54-67; “The source of information specified by a use may be any source of information accessible to the computer system”).

Claims 41, 56, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lektion (5,801,698) *supra* and Longinotti, United States Patent Application Publication 2002/0049634.

Regarding claim 41, Lektion teaches every limitation of claim 41, but does not explicitly teach a means for selecting an information datafile for use as a teaching tool, the teaching tool means allowing a user to select preferences including at least one of: the subject matter; a set of questions; a degree of difficulty; a sequence of display of each of said set of questions; and a sequence of display of an associated answer. Lektion discloses that the displayed information may be “any type of information which is of interest to the user”, and gives some examples such as weather information, stock quote information, or reminders (see Lektion column 4 line 56 through column 5 line 8; “*The information displayed during the busy cycle by reformatting the busy cursor may be selected by the user and prioritized by the user. Thus, the user may select the type of information which the user would like displayed during busy cycles such as, for example, weather information, stock quote information, time or date information, or*

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reminders which are specified by the user such as birthdays, meeting dates or other daily planner type information. As will be appreciate by those of skill in the art, any type of information which is of interest to the user may be displayed during a busy cycle by the reformatting of the busy cursor”). Longinotti teaches an interactive quiz based internet system that allows users to choose subject matter for a quiz (see Longinotti paragraphs [0020]; *“the user can choose the quiz type, subject matter, etc”*). It would have been obvious to one of ordinary skill in the art at the time the invention was made, having the prior art of Lektion and Longinotti laid before him, to provide quiz questions as taught by Longinotti in the busy-cycle information display invention of Lektion in order to help students study during busy cycles of a computer instead of wasting that time.

Claims 56 and 57 recite a computer readable medium having substantially the same limitations as the method of claim 41. Therefore, the claims are rejected under the same rationale.

Claims 42-45 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lektion (5,801,698) *supra* and RSS 2.0 Specification at Harvard Law (hereinafter Harvard), July 15, 2003.

Regarding claim 42, Lektion substantially teaches a means for obtaining information data in a form capable of being displayed on a monitor from a really simply syndication (RSS) feed obtained from a computer host server via a communications network and caching the information data on a computer hard drive for presentation in a display window at a subsequent wait event. Lektion does not explicitly teach that the

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information data is from an RSS feed. However, Lektion does teach that the information may be any source of information accessible to the computer system, including on-line bulletin boards and Internet web pages, which are similar in nature to RSS feeds (see Lektion column 6 lines 54-65; *"The source of information specified by a use may be any source of information accessible to the computer system. Sources of information may include, for example, locally stored daily organizers, on-line bulletin boards, Internet web pages or other sources of information the user may select"*). Harvard discloses RSS version 2.0. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include RSS feeds as taught by Harvard in the busy-cycle information display invention of Lektion. Lektion's invention predates RSS, so Lektion could not have mentioned RSS in his disclosure. However, Lektion describes drawing information from Internet sources, and it would have been both reasonable and obvious to one of ordinary skill in the art to include RSS in the invention of Lektion.

Regarding claim 43, Lektion/Harvard teaches that a time interval between receipt of updated information from the RSS feed is automatically adjusted based on recent changes to content in the information data being received by the RSS feed (see Lektion column 7 lines 21-36; *"the computer system monitors the information sources specified by the user (block 54). As the information provided by the information sources changes, the predefined cursors may be modified to reflect these changes in information (block 56)"*; see also Harvard page 5, "ttl").

Regarding claim 44, Lektion/Harvard teaches that in step B, queries for details of updated information relating to the RSS feed is regularly sent to an internet based

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computer web server, and such queries are monitored and a query rate is adjusted based on a threshold of intrusion on a network bandwidth applying to the computer (see Lection column 7 lines 21-36; *"the computer system monitors the information sources specified by the user (block 54). As the information provided by the information sources changes, the predefined cursors may be modified to reflect these changes in information (block 56)"*; see also Harvard page 5, "ttl").

Regarding claim 45, Lection/Harvard teaches a search means for searching for information on particular goods and services specified by a user through the RSS feeds, and the search means being adapted to communicate with an internet based search engine (see Harvard page 5, textInput mentions providing a search input. A search for an RSS feed would have also been inherent for the information source selection process to function).

Claims 52-54 recite a computer readable medium having substantially the same limitations as the method of claims 43-45, respectively. Therefore, the claims are rejected under the same rationale.

Claims 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection (5,801,698) *supra* and Bolle et al. (hereinafter Bolle), United States Patent 6,892,193.

Regarding claim 60, Lection teaches every limitation of claim 60, but does not explicitly teach that the personal note generated is assigned a file category, and the personal note and the file category are retrievable and updateable. Bolle discloses the

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claimed aspect of file category, wherein media items are categorized (or classified) based both on textual features and visual features (see Bolle Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide information categorization as taught by Bolle in the busy-cycle information display invention of Lektion to allow users to more efficiently manage the information for display.

Regarding claim 61, Lektion teaches that a file category is assigned a colour to distinguish one file category from another category (see Bolle Abstract, disclosing file category is assigned a different color to distinguish one category of said personal note from another category).

Response to Arguments

Applicant has amended claims 46-59 to recite a computer readable medium having instructions stored thereon. As stated in the previous Office Action, a "computer readable medium" is not defined in the original disclosure, so it will be interpreted using its ordinary meaning in the art and with the broadest reasonable interpretation in light of the specification. The objection to claims 46-59 is withdrawn. However, a 35 USC 101 rejection is newly applied (see rejection above).

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Newly applied prior art Lektion

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(5,801,698) *supra* teaches dynamic information display during busy cycle of a processing system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Alvesteffer whose telephone number is (571)270-1295. The examiner can normally be reached on Monday-Friday 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Stephen Alvesteffer
Examiner
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